

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES REGULATING AND CONTROLLING THE PLANTING, CARE AND REMOVAL OF TREES AND SHRUBS IN OR WHICH MAY OVERHANG THE PUBLIC STREETS AND PLANTING STRIPS OF SAID CITY, PROVIDING FOR THE CARE, REMOVAL AND SAFETY OF TREES AND SHRUBS PLANTED IN THE PUBLIC STREETS AND PLANTING STRIPS OF SAID CITY AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF: AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH INCLUDING ORDINANCE NO. 298 N.S.

The City Council of the City of El Paso de Robles does ordain as follows:

Sections 10.04.010 through 10.04.120 and Ordinance No. 206 N.S. are hereby repealed and the following is substituted in lieu of said sections:

SECTION 10.04.010

TITLE OF ORDINANCE: This ordinance shall hereafter be referred to and cited as "The STREET TREE ORDINANCE OF THE CITY OF EL PASO DE ROBLES."

SECTION 10.04.020

DEFINITIONS: (a) The words "Public Street" when used herein shall include every way set apart and accepted by the City, for public travel or use in the City of El Paso de Robles, including the entire planting strip, sidewalk area, easements and rights-of-way.

(b) The words "Planting Strip" when used herein shall include the area between curb and property line, and any area dedicated for the planting of street trees.

(c) The word "Director" when used herein shall mean the Director of the Municipal Services Department or his designated representative.

(d) The words "Maintain or Maintenance" when used herein shall mean the entire care of trees or shrubs in planting

strips, as well as the preparation of ground, fertilizing, mulching, and watering, unless specifically so stated.

(e) The words "Planting" when used herein shall mean planting and replacement.

(f) The words "Street Tree" when used herein shall mean any tree or shrub within the public street or right-of-way or planting strip or so close thereto as to, by their growth, influence the intended use of such street or right-of-way.

#### SECTION 10.04.030

The City Council shall appoint a TREE COMMITTEE to advise the City staff in the administration of this Ordinance, and to make recommendations to the City Council and staff concerning policies and regulations for trees within the City. Said Committee shall assist staff in preparing the Master Tree List and Tree Planting Plan. Aside from these tasks, the Tree Committee shall meet and act when staff requests its advise, or on an appeal of a staff decision by an applicant. Said Committee shall be composed of the following members: One representative of the Municipal Services Department; one representative from the Parks and Recreation Department; three representatives of the general public, one of whom shall be experienced in horticulture. Members of said Committee shall serve for the tenure of the Committee at the pleasure of the City Council.

#### SECTION 10.04.040

The Department of Municipal Services shall be responsible for the enforcement of this Ordinance. The Building Department shall accept applications for tree removal and planting in conjunction with building permits, and process them through the Municipal Services Department. If a request for a tree removal is received as part of a new subdivision or property development proposal, permission shall be granted or denied along with the other entitlements for that proposal. The staff of these departments shall make the determinations necessary for granting or denying such a request. Such a decision may be appealed to the Tree Committee whose decision may be appealed to the City Council.

SECTION 10.04.050

MASTER TREE LIST: The Municipal Services Department, with the approval of the Tree Committee, shall produce and maintain a list of the types and species of trees suitable and desirable for planting as a street tree. The Master Tree List shall be adopted by Resolution of the City Council and shall be maintained on file at City Hall. Revisions or changes in said List may be made from time to time by Resolution of the City Council.

SECTION 10.04.060

TREE PLANTING PLAN: The Municipal Services Department, with the approval of the Tree Committee, shall recommend a Street Tree Planting Plan setting forth the types of trees to be planted in different portions of the City, and a recommended program of tree planting procedures to be used by the City as well as individuals, contractors and/or subdividers. Such procedures shall be on file and available at City Hall.

SECTION 10.04.070

REMOVAL OF TREES:

(a) It shall be unlawful for any person to remove, or cause to be removed, any oak tree from any parcel of property, within the City without the prior written consent of the City.

(b) No tree shall be removed from any public street or property owned or under the control of the City without the prior written consent of the City. Such consent shall only be granted if the tree constitutes a hazard to property or persons using the adjoining streets; if its roots are causing excessive damage to curbs, gutters or sidewalks, or if it unduly interferes with any utility. Any tree being removed for the benefit of the property owner shall be removed and replaced, at the property owner's expense.

(c) Any tree planted by the City in the public right-of-way, that must be removed because of type, growth habits, or disease, or which does not meet future City standards, may be removed by the City.

(d) Any tree growing on private property which is endangering or, in the opinion of the Director, constitutes danger to public streets or public places, or which in any way endangers the usefulness of a public utility, shall be removed or trimmed by the owner of the property within fourteen (14) days after receipt of such notice from the Director. In the event the property owner fails to remove or trim such tree (s) within said time, the Director may then remove or trim said tree (s) and assess the cost thereof against the property owner.

(e) Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State of California and any constituted public agency authorized to provide and providing utility service, shall be given a permit from the Director, valid for one year from the date of issuance, permitting such person to trim, brace, or perform such other acts, except removal, with respect to trees growing adjacent to the public streets of the City or which grow upon private property to the extent that they encroach upon such public streets as may be necessary to comply with the safety regulations of said commission and as may be necessary to maintain the safe operation of its business. Before any tree is removed, under the above provision, prior written consent must be obtained from the City.

(f) Acceptable reasons for any removal of a tree shall include a tree that is:

- (1) Dead;
- (2) Dying, decayed or hazardous;
- (3) Diseased beyond reclamation;
- (4) Obstructing curb, gutter or sidewalk repair, or in the way of new sidewalk, curb and gutter for which an exception to standard design is determined by the Director to be inconsistent with established policies and standards for street tree planting and maintenance.
- (5) In dangerous proximity to existing structures, or interfering with existing utilities;
- (6) Obstructing proposed improvements so as to restrict economic enjoyment of the property;

(7) Crowded and good horticultural practices dictate thinning, or trees which are of a proven nuisance specie. Also to be considered is the existing topography of the land and the effect of the proposed tree removal on erosion, soil retention and the resulting increase flow of surface water.

SECTION 10.04.080

REMOVAL OF TREE(S) - PERMITS

(a) Any person or agent of any person desiring to remove one or more oak trees from any developed parcel in the City, when said removal is not a part of or preparation for the further development of that property, shall apply in writing to the Public Services Department for a permit. Said application shall contain a plot plan showing the location of tree(s) to be removed, and a brief statement of the reason for removal, as well as any other pertinent information that the Director may require. On receipt of such application, the Director shall inspect the site, determine which tree(s) may be removed, and either issue or deny the permit.

(b) The determination for tree removal permits shall be based on the criteria outline in Section VII-f and any such determination may be appealed in accordance with the provisions of Section IV of the Ordinance.

(c) Any person or agent of any person desiring to remove one or more trees from any undeveloped parcel in the City, when said removal is proposed as part of the development of a property by subdivision, building permit, or other entitlement, shall include as part of his applications to the City, a plan showing the location and type of the trees to be removed, and a brief statement of the reason for removal, as well as any other pertinent information that may be required. On receipt of such application, the Director will make an inspection of the site and make his recommendation as to the health, value, ease of relocation and susceptibility to damage of the tree(s). In making the recommendation, the Tree Committee may be called into session. If such a tree removal permit is then approved, the permit will be issued at the time other entitlements

are issued for the project. If the other entitlements are denied for any reason, the tree removal permit will not be issued.

SECTION 10.04.090

STREET TREE PLANTING

The planting of street trees shall be required of an applicant as a condition of approving subdivision and minor subdivision maps, and issuing building permits for existing lots or parcels whether fronting on private roads or public roads or easements. Approved trees shall be planted in accordance with approved City policy and standards. Trees shall be maintained by the applicant or by the property owner for one (1) full year and shall be maintained in accordance with approved City policies and standards between the time the trees are actually planted and subsequent acceptance by the City. In lieu fees, which are established by the City Council, may be deposited by the developer or applicant upon the recommendation of the Director. In cases where a subdivision is being approved, and where building may be over a prolonged period of time, in lieu fees may be required. Any tree planted within ten (10) feet of any sidewalk, driveway, curb or gutter must be provided with a root control barrier. Such barriers must be a minimum of twenty four (24) inches deep and of a type approved by the Director.

SECTION 10.04.100

PROTECTION OF STREET TREES

(a) No person shall, without written permission from the Director, plant, remove, trim, prune, or cut any tree upon the street planting easements, or between the property line and the curb, or between sidewalk and property line.

(b) No person shall interfere or cause or permit any person to interfere, with employees of the City who are engaged in the planting or maintaining, treating, or removing of any tree or plant in the streets or planting easements or in the removing of any stone, cement, or any substance in any such street, sidewalk, planting strip, alley, or other public place.

(c) Willful injury to or disfigurement or destruction of any street tree or ornamental plant growing within the planting strip, whether situated upon the front setback or on any street, sidewalk, or public park or place, shall be a violation of this Ordinance. Any person or persons, who accidentally or willfully damages, disfigures, or destroys any street tree shall be charged for the replacement or repair costs at a fee to be determined by the Director. This fee determination shall take into consideration such things as age of tree, size, specie, and etc.

(d) No person shall, as pertains to street trees:

(1) Construct a concrete, asphalt, brick, or gravel sidewalk or otherwise fill up the ground area around any tree so as to shut off air, light, or water from the roots except under written authority from the Director;

(2) Pile building materials, equipment, or other substance around any tree so as to cause injury thereto;

(3) Apply any deleterious matter on or around any tree, or on the ground around it or on any planting strip, lawn or sidewalk.

(4) Post any sign on any tree, tree-stake or guard;

(e) Any damage caused to street trees by house moving or demolition shall be paid by the mover or demolisher in an amount equal to the value of the tree as may be determined by the Director.

#### SECTION 10.04.110

#### SIDEWALK, CURB AND GUTTERS

In all cases where roots from street trees cause damage to sidewalks, curbs, gutters, or driveways, or cause damage to any privately owned utility, the Director shall investigate the damage, and order corrective action. If the corrective action is required, the City may remove or root prune such tree(s) and place root barriers. Property owner will be responsible for the cost of repairs to any sidewalk, curb, gutter, driveway or utility. It shall be the responsibility

of a property owner to remove, at his own expense, subject trees directly in the way of new sidewalk, curbs, gutters, or driveway approaches. Any tree so removed shall be replaced with an acceptable tree from the Master Tree List at the property owner's expense.

SECTION 10.04.120

APPEALS

Any person aggrieved by any act or determination of the staff of the City in the exercise of the authority herein granted, shall have the right of appeal to the Tree Committee, whose decisions are appealable to the City Council.

SECTION 10.04.130

VIOLATIONS

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor punishable by imprisonment in the City Jail or the County Jail for a period not to exceed six (6) months or by a fine of not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment.

The invalidity of any Section, Clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

PASSED AND ADOPTED this 1st day of May, 1979,  
by the CITY OF EL PASO DE ROBLES.

  
\_\_\_\_\_  
BARNEY SCHWARTZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
DONALD B. KEEFER, CITY CLERK



STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
CITY OF EL PASO DE ROBLES

SS.

I, Donald B. Keefer, City Clerk of the City of  
El Paso de Robles, California, do hereby certify that the foregoing Ordinance  
No. 426 N.S. was duly and regularly adopted, passed, and approved by the  
City Council of the City of El Paso de Robles, California, at a regular meeting  
of said City Council held at the regular meeting place thereof, on the 1st  
day, of May 1979, by the following vote:

AYES: Councilmen Hanson, Hurst, Minshull, Stemper and Schwartz

NOES: Councilmen None

ABSENT: Councilmen None

Dated this 2nd day of May, 1979

Donald B. Keefer  
City Clerk and Ex-Officio Clerk of the City Council,  
City of El Paso De Robles, State of California.